

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MAJEED ABDULLAH, )  
 )  
 )  
 Petitioner, )  
 )  
 v. ) Civil Action No. 05-301 (GK)  
 )  
 GEORGE W. BUSH, *et al*, )  
 )  
 Respondents. )  
 \_\_\_\_\_ )

**DECLARATION OF TERESA A. McPALMER**

Pursuant to 28 U.S.C. § 1746, I, Commander Teresa A. McPalmer, Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Office for the Administrative Review of the Detention of Enemy Combatants at U.S. Naval Base Guantanamo Bay, Cuba (OARDEC). In that capacity I am an advisor to the Director, Combatant Status Review Tribunals.
2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Majeed Abdullah that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto or were redacted by an OARDEC staff member. This staff member also redacted information that would personally identify certain U.S. Government personnel in order to protect the personal privacy and security of those individuals.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 25 July 2005

Teresa A. McPalmer  
Teresa A. McPalmer  
CDR, JAGC, USN



**Department of Defense  
Director, Combatant Status Review Tribunals**

OARDEC/Ser: 64  
3 September 2004

~~FOR OFFICIAL USE ONLY~~

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # 025**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN #025 meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

J. M. MCGARRAH  
RADM, CEC, USNR

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

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2 Sep 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # 025

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004

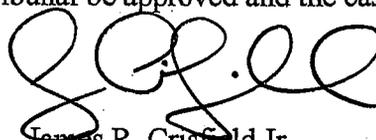
Encl: (1) Appointing Order for Tribunal #2 of 2 August 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and voluntarily elected to not participate in the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with all provisions of references (a) and (b).
- d. The detainee did not request any witnesses or any additional evidence be produced.
- e. The Tribunal's decision that detainee # 025 is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

2 August 2004

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #2

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Marine Corps; President

[REDACTED] Lieutenant Colonel, U.S. Army; Member (JAG)

[REDACTED] Lieutenant Colonel, U.S. Air Force; Member

A handwritten signature in cursive script, reading "J. M. McGARRAH", is positioned above the typed name.

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
U.S. Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

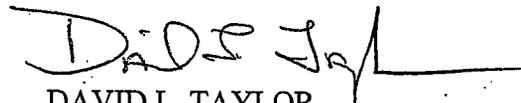
MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# 025

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN [REDACTED].

  
DAVID L. TAYLOR  
Colonel, USAF

**(U) Combatant Status Review Tribunal Decision Report Cover Sheet**

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) (3) and (4).

(U) TRIBUNAL PANEL:   #2  

(U) ISN#:   025  

Ref: (a) (U) Convening Order for Tribunal #2 of 2 August 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S//NF)  
(3) (U) Summary of Detainee/Witness Testimony (Not Required) (U)  
(4) (U) Copies of Documentary Evidence Presented (S//NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 20 August 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 20 August 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #025 is properly classified as an enemy combatant as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of and affiliated with Al-Qaeda, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).



Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION****(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**TRIBUNAL PANEL: \_\_\_\_\_ #2  
ISN #: \_\_\_\_\_ 025**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, Al-Qaeda. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder asserted that the Detainee was a member of both Al-Qaeda and the Taliban. The Detainee was captured by U.S. Forces in a hospital in 2001, allegedly with Al-Qaeda surveillance evasion reports and after-action reports. The detainee chose not to participate in the Tribunal process. He called no witnesses, did not request that any documents be produced, and declined to offer any statement, either directly or through his Personal Representative (except that the Detainee did claim through his Personal Representative that any contention that he had been captured with incriminating documents linking him to Al-Qaeda were false).

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a, R-1 through R-13
- b. Testimony of the following persons: None

**4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses**

The Detainee requested no witnesses or requested any additional evidence be produced; therefore no rulings on these issues were required.

**5. Discussion of Unclassified Evidence**

The Tribunal found the following unclassified evidence persuasive in making its determinations: Exhibit R-3, Executive Order 13224, which explained the connection between the Al-Wafa humanitarian organization and the financial support it is alleged to be giving to both Al-Qaeda and the Taliban.

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: Exhibits R-1 and R-2. As indicated above, neither Exhibit R-1 nor Exhibit R-2 contained any evidence to support the Government's proposition that the Detainee should be classified as an enemy combatant.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

#### **6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

#### **7. Conclusions of the Tribunal**

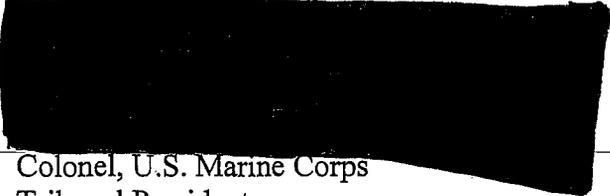
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.
- b. According to his Personal Representative, the detainee understood the Tribunal proceedings; however, he chose not to participate in the Tribunal process, as indicated in Exhibit D-a.
- c. The detainee is properly classified as an enemy combatant because he is a member of, or affiliated with, Al-Qaeda.

#### **8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

  
Colonel, U.S. Marine Corps  
Tribunal President

Detainee Election Form

Date/Time: 19 AUG 04

ISN#: 025

Personal Representative: LTC [REDACTED]  
[Name/Rank]

Translator Required? YES Language? Arabic, Modern

CSRT Procedures Read to Detainee or Written Copy Read by Detainee? YES

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Detainee Election:

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

Personal Representative Comments:

Polite and does not want a PR.  
Stated that evidence saying he had  
documents at capture are false.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

[REDACTED]

Personal Representative

UNCLASSIFIED

Recorder Exhibit List  
For  
ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	Request for Redaction of National Security Information 06-AUG-04	UNCLASSIFIED
R3	Executive Order 13224 20-DEC-02	UNCLASSIFIED
R4	FBI FD-302 06-JUN-02	FOUO//LES
R5	Memorandum For Record JTF-GTMO 12-AUG-02	SECRET
R6	Memorandum For Record JTF-GTMO 23-MAR-02	SECRET
R7	Knowledgeability Brief JTF-GTMO 04-FEB-02	SECRET
R8	IIR 2 340 6056 02	SECRET
R9	IIR 6 034 0185 02 JTF-GTMO 12-APR-02	SECRET
R10	JTF GTMO Baseball Card	SECRET//NOFORN
R11	OSD SO/LIC Assessment Feb 04	SECRET//NOFORN
R12	CITF Memorandum 03-JUN-04	SECRET//NOFORN
R13	Analyst Support Package	SECRET//NOFORN

Unclassified

Combatant Status Review Board

17 August 2004

TO: Personal Representative

FROM: OIC, CSRT

Subject: Summary of Evidence for Combatant Status Review Tribunal – AL JUDI, Majid Abdallah

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.

2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."

3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is a member of al-Qaida and is a member of organizations engaged in or supporting hostilities against the United States or its coalition partners.

a. Detainee is a member of the Taliban and al-Qaida.

1. The detainee admits traveling from Saudi Arabia to Afghanistan in 2001 for the purpose of working for Al-Wafa.

2. Al-Wafa is an organization listed in Executive Order 13224, and it has been closely associated with al-Qaida and the Taliban.

3. Detainee was captured by U.S. forces in a hospital along with several al-Qaida members.

4. Detainee was captured with al-Qaida surveillance evasion reports and after-action reports.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Unclassified

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Page 1 of 1

EXHIBIT

R1



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

August 6, 2004

REQUEST FOR REDACTION OF NATIONAL SECURITY INFORMATION

ISN 25

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

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<sup>1</sup>Redactions are marked by means of pink/blue highlighter on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958



Fact Sheet  
 Office of the Coordinator for Counterterrorism  
 Washington, DC  
 December 20, 2002

## **Executive Order 13224**

(NOTE: For current, regularly up-dated list of terrorists and groups designated under Executive Order 13224, please scroll down)

President Bush signed Executive Order 13224 on September 23, 2001. Executive Order 13224 gives the U.S. government a powerful tool to impede terrorist funding and is part of our national commitment to lead the international effort to bring a halt to the evil of terrorist activity. President Bush issued Executive Order 13224 pursuant to the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code. In issuing Executive Order 13224, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York and Pennsylvania, and on the Pentagon committed on September 11, 2001, and the continuing and immediate threat of further attacks on U.S. nationals or the United States.

In general terms, the Order provides a means by which to disrupt the financial support network for terrorists and terrorist organizations by authorizing the U.S. government to designate and block the assets of foreign individuals and entities that commit, or pose a significant risk of committing, acts of terrorism. In addition, because of the pervasiveness and expansiveness of the financial foundations of foreign terrorists, the Order authorizes the U.S. government to block the assets of individuals and entities that provide support, services, or assistance to, or otherwise associate with, terrorists and terrorist organizations designated under the Order, as well as their subsidiaries, front organizations, agents, and associates.

### **Designation Criteria**

In addition to the 29 individuals and entities designated by the President and listed in the Annex to the Executive Order, as amended by Executive Order 13268 of July 2, 2002, the Order provides authority for the designation (and blocking of assets) of additional individuals or entities (defined to mean partnerships, associations, corporations, or other organizations, groups, or subgroups):

- The Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, may designate foreign individuals or entities that he determines have committed, or pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the U.S.;
- The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, may designate individuals or entities that are determined:
- To be owned or controlled by, or act for or on behalf of an individual or entity listed in the Annex to the Order or by or for persons determined to be subject to subsection 1(b), 1(c), or

1(d)(i) of this Order;

- To assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, acts of terrorism or individuals or entities designated in or under the Order; or
- To be otherwise associated with certain individuals or entities designated in or under the Order.

For the purpose of the Order, "terrorism" is defined to be an activity that (1) involves a violent act or an act dangerous to human life, property, or infrastructure; and (2) appears to be intended to intimidate or coerce a civilian population; to influence the policy of a government by intimidation or coercion; or to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

### **Designation Process**

The Executive Order authorizes both the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, or the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to designate individuals and entities pursuant to the specified criteria described above.

Once the Secretary of State or the Secretary of the Treasury designates an individual or entity, the Office of Foreign Assets Control (OFAC) of the Department of the Treasury takes appropriate action to block the assets of the individual or entity in the United States or in the possession or control of U.S. persons, including notification of the blocking order to U.S. financial institutions, directing them to block the assets of the designated individual or entity. Notice of the designation is also published in the *Federal Register*. OFAC also adds the individual or entity to its list of Specially Designated Nationals, by identifying such individuals or entities as Specially Designated Global Terrorists (SDGTs), and posts a notice of this addition on the OFAC website. Designations remain in effect until the designation is revoked or the Executive Order lapses or is terminated in accordance with U.S. law.

### **Effects of Designation**

#### **Legal Consequences**

1. With limited exceptions set forth in the Order, or as authorized by OFAC, all property and interests in property of designated individuals or entities that are in the United States or that come within the United States, or that come within the possession or control of U.S. persons are blocked.
2. With limited exceptions set forth in the Order, or as authorized by OFAC, any transaction or dealing by U.S. persons or within the United States in property or interests in property blocked pursuant to the Order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of individuals or entities designated under the Order.
3. Any transaction by any U.S. person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions in the Order is prohibited. Any conspiracy formed to violate any of the prohibitions is also prohibited.
4. Civil and criminal penalties may be assessed for violations.

#### **Other Effects**

1. Deters donations or contributions to designated individuals or entities.

2. Heightens public awareness and knowledge of individuals or entities linked to terrorism.
3. Alerts other governments to U.S. concerns about individuals or entities aiding terrorism, and promotes due diligence by such governments and private sector entities operating within their territories to avoid associations with terrorists.
4. Disrupts terrorist networks, thereby cutting off access to financial and other resources from sympathizers.
5. Encourages designated entities to get out of the terrorism business.

#### **Current List of Terrorists and Groups Identified Under E.O. 13224**

For a current list, updated regularly, of terrorists and groups identified under E.O. 13224, see [www.ustreas.gov/offices/enforcement/ofac/sanctions/terrorism.html](http://www.ustreas.gov/offices/enforcement/ofac/sanctions/terrorism.html).

#### **Executive Order 13224**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution (UNSCR) 1214 of December 8, 1998, UNSCR 1267 of October 15, 1999, UNSCR 1333 of December 19, 2000, and the multilateral sanctions contained therein, and UNSCR 1363 of July 30, 2001, establishing a mechanism to monitor the implementation of UNSCR 1333,

I, GEORGE W. BUSH, President of the United States of America, find that grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks in New York, Pennsylvania, and the Pentagon committed on September 11, 2001, acts recognized and condemned in UNSCR 1368 of September 12, 2001, and UNSCR 1269 of October 19, 1999, and the continuing and immediate threat of further attacks on United States nationals or the United States constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and in furtherance of my proclamation of September 14, 2001, Declaration of National Emergency by Reason of Certain Terrorist Attacks, hereby declare a national emergency to deal with that threat. I also find that because of the pervasiveness and expansiveness of the financial foundation of foreign terrorists, financial sanctions may be appropriate for those foreign persons that support or otherwise associate with these foreign terrorists. I also find that a need exists for further consultation and cooperation with, and sharing of information by, United States and foreign financial institutions as an additional tool to enable the United States to combat the financing of terrorism.

I hereby order:

Section 1. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date of this order, all property and interests in property of the following persons that are in the United States or that hereafter come within the United States, or that hereafter come within the possession or control of United States persons are blocked:

(a) foreign persons listed in the Annex to this order;

(b) foreign persons determined by the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, to have committed, or to pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States;

(c) persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, to be owned or controlled by, or to act for or on behalf of those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order;

(d) except as provided in section 5 of this order and after such consultation, if any, with foreign authorities as the Secretary of State, in consultation with the Secretary of the Treasury and the Attorney General, deems appropriate in the exercise of his discretion, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General;

(i) to assist in, sponsor, or provide financial, material, or technological support for, or financial or other services to or in support of, such acts of terrorism or those persons listed in the Annex to this order or determined to be subject to this order; or

(ii) to be otherwise associated with those persons listed in the Annex to this order or those persons determined to be subject to subsection 1(b), 1(c), or 1(d)(i) of this order.

Sec. 2. Except to the extent required by section 203(b) of IEEPA (50 U.S.C. 1702(b)), or provided in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date:

(a) any transaction or dealing by United States persons or within the United States in property or interests in property blocked pursuant to this order is prohibited, including but not limited to the making or receiving of any contribution of funds, goods, or services to or for the benefit of those persons listed in the Annex to this order or determined to be subject to this order;

(b) any transaction by any United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited; and

(c) any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For purposes of this order:

(a) the term "person" means an individual or entity;

(b) the term "entity" means a partnership, association, corporation, or other organization, group, or subgroup;

(c) the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; and

(d) the term "terrorism" means an activity that --

(i) involves a violent act or an act dangerous to human life, property, or infrastructure; and

(ii) appears to be intended --

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by mass destruction, assassination, kidnapping, or hostage-taking.

Sec. 4. I hereby determine that the making of donations of the type specified in section 203(b)(2) of IEEPA (50 U.S.C. 1702(b)(2)) by United States persons to persons determined to be subject to this order would seriously impair my ability to deal with the national emergency declared in this order, and would endanger Armed Forces of the United States that are in a situation where imminent involvement in hostilities is clearly indicated by the circumstances, and hereby prohibit such donations as provided by section 1 of this order. Furthermore, I hereby determine that the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX, Public Law 106-387) shall not affect the imposition or the continuation of the imposition of any unilateral agricultural sanction or unilateral medical sanction on any person determined to be subject to this order because imminent involvement of the Armed Forces of the United States in hostilities is clearly indicated by the circumstances.

Sec. 5. With respect to those persons designated pursuant to subsection 1(d) of this order, the Secretary of the Treasury, in the exercise of his discretion and in consultation with the Secretary of State and the Attorney General, may take such other actions than the complete blocking of property or interests in property as the President is authorized to take under IEEPA and UNPA if the Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, deems such other actions to be consistent with the national interests of the United States, considering such factors as he deems appropriate.

Sec. 6. The Secretary of State, the Secretary of the Treasury, and other appropriate agencies shall make all relevant efforts to cooperate and coordinate with other countries, including through technical assistance, as well as bilateral and multilateral agreements and arrangements, to achieve the objectives of this order, including the prevention and suppression of acts of terrorism, the denial of financing and financial services to terrorists and terrorist organizations, and the sharing of intelligence about funding activities in support of terrorism.

Sec. 7. The Secretary of the Treasury, in consultation with the Secretary of State and the Attorney General, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 8. Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under 31 C.F.R. chapter V, except as expressly terminated, modified, or suspended by or pursuant to this order.

Sec. 9. Nothing contained in this order is intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, employees or any other person.

Sec. 10. For those persons listed in the Annex to this order or determined to be subject to this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render these measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in this order, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 11. (a) This order is effective at 12:01 a.m. eastern daylight time on September 24, 2001.

~~(b) This order shall be transmitted to the Congress and published in the Federal Register.~~

GEORGE W. BUSH  
THE WHITE HOUSE,  
September 23, 2001.

## ANNEX

Al Qaida/Islamic Army  
Abu Sayyaf Group  
Armed Islamic Group (GIA)  
Harakat ul-Mujahidin (HUM)  
Al-Jihad (Egyptian Islamic Jihad)  
Islamic Movement of Uzbekistan (IMU)  
Asbat al-Ansar  
Salafist Group for Call and Combat (GSPC)  
Libyan Islamic Fighting Group  
Al-Itihaad al-Islamiya (AIAI)  
Islamic Army of Aden  
Usama bin Laden  
Muhammad Atif (aka, Subhi Abu Sitta, Abu Hafs Al Masri)  
Sayf al-Adl  
Shaykh Sai'id (aka, Mustafa Muhammad Ahmad)  
Abu Hafs the Mauritanian (aka, Mahfouz Ould al-Walid, Khalid Al-Shanqiti)  
Ibn Al-Shaykh al-Libi  
Abu Zubaydah (aka, Zayn al-Abidin Muhammad Husayn, Tariq)  
Abd al-Hadi al-Iraqi (aka, Abu Abdallah)  
Ayman al-Zawahiri  
Thirwat Salah Shihata  
Tariq Anwar al-Sayyid Ahmad (aka, Fathi, Amr al-Fatih)  
Muhammad Salah (aka, Nasr Fahmi Nasr Hasanayn)  
Makhtab Al-Khidamat/Al Kifah  
Wafa Humanitarian Organization  
Al Rashid Trust  
Mamoun Darkazanli Import-Export Company

[End]

### Personal Representative Review of the Record of Proceedings

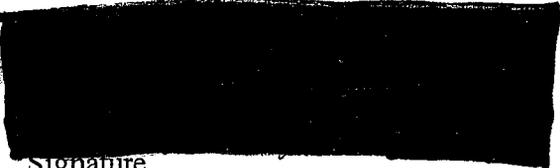
I acknowledge that on 21 August 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN #025.

I have no comments.

My comments are attached.

  
Name

21 AUG 04  
Date

  
Signature

ISN #025  
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UTHMAN ABDUL RAHIM )  
MOHAMMED UTHMAN, *et al.* )  
 )  
Petitioners, )  
 )  
v. ) Civil Action No. 04-CV-1254 (HHK)  
 )  
GEORGE W. BUSH, )  
President of the United States, *et al.*, )  
Respondents. )  
 )  
 )  
\_\_\_\_\_ )

**DECLARATION OF JAMES R. CRISFIELD JR.**

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Uthman Abdul Rahim Mohammed Uthman that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are

not attached hereto. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 30 Sep 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



**Department of Defense  
Director, Combatant Status Review Tribunals**

OARDEC/Ser:  
29 September 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (I5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

**FOR OFFICIAL USE ONLY**

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28 Sep 04

MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004

Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process and affirmatively elected not to participate in the Tribunal. However, he provided his Personal Representative with information and requested his Personal Representative present that information, in the form of an oral statement, to the Tribunal. The Personal Representative related the detainee's information to the Tribunal during the unclassified session.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-4, R-5, R-6 and R-7 was redacted. The FBI properly certified in exhibit R-2 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]

3. I recommend that the decision of the Tribunal be approved and the case be considered final.



JAMES R. CRISFIELD JR.  
CDR, JAGC, USN

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Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED] Colonel, U.S. Marine Corps Reserve; President

[REDACTED] Colonel, U.S. Army; Member

[REDACTED] Lieutenant Colonel, JAGC, U.S. Army; Member  
(JAG)

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

22 September 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

A handwritten signature in black ink, appearing to read "D.L. Taylor".

DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) (3) and (4).

(U) TRIBUNAL PANEL:     #8    

(U) ISN#:     [REDACTED]    

Ref: (a) (U) Convening Order for Tribunal #8 of 13 September 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 16 September 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).
2. (U) On 16 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant, as defined in reference (c).
3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, al Qaida, as more fully discussed in the enclosures.
4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]

Colonel, U.S. Marine Corps  
Tribunal President

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**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: \_\_\_\_\_ #8  
ISN #: \_\_\_\_\_

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida, and was engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee voluntarily traveled in March 2001 from Quetta, Pakistan to Kandahar, Afghanistan where he stayed in a Taliban house. From March 2001 until December 2001, the Detainee traveled between Khost and Kabul to teach the Koran. The Detainee is said to have visited Osama Bin Laden's home and has associated with two suspects in the USS Cole bombing in Yemen. The Detainee received advanced military training at the Tarnak Farms training camp and was captured and detained in the Tora Bora region of Afghanistan. The Detainee, in his statement delivered by his personal representative, denied being an Al-Qaida member. The Tribunal President's evidentiary and witness rulings are explained below.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-b and R-1 through R-12.
- b. Testimony of the following persons: None.
- c. Oral statement of the Detainee as given to the Personal Representative during the interview process, and by the Personal Representative during the Tribunal.

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ISN # [REDACTED]  
Enclosure (1)  
Page 1 of 3

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**4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses**

The Detainee requested no witnesses and requested no additional evidence be produced; therefore, no rulings on these matters were required.

**5. Discussion of Unclassified Evidence**

The Tribunal considered the following unclassified evidence in making its determinations:

The recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence.

The Tribunal found the following unclassified evidence unpersuasive in making its determinations: Exhibit R-2, a request from the Federal Bureau of Investigation to redact certain information from its recorded interviews with the Detainee from the "FBI Form 302" or "FD 302" was not helpful to the Tribunal in determining whether the Detainee was properly classified as an enemy combatant. To be more specific, the mere declaration that "inappropriate" release of the information "could damage the national security of the United States and compromise ongoing FBI investigations," without a discussion of the underlying information and the reasons why its release to the Tribunal would be damaging to U.S. national security or compromising to current future FBI investigations, was not helpful to the Tribunal. The Tribunal does not consider release of information to its members to be "inappropriate," nor has the FBI offered any justification why such release should be considered "inappropriate." The Tribunal therefore found Exhibit R-2 to be without merit.

Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's testimony as provided by the Personal Representative during his interviews with the Detainee. A summarized transcript of the Detainee's testimony is attached as CSRT Decision Report Enclosure (3), and the Personal Representative's notes of his interviews with the Detainee are attached as Exhibit D-b. In summary, the Detainee stated that he is not a member of al-Qaida or any other terrorist organization. The Detainee alleges that he traveled to Kandahar, Afghanistan via Quetta, Pakistan to be a teacher of the Quran in Afghanistan and to make money. He stayed at a Taliban house in order to gain entry into Afghanistan because they were the ruling government. He has never known or visited Osama Bin Laden. Additionally, he denies any knowledge of the USS Cole bombing. The Detainee indicated that he never participated in military operations and denies having received any advanced training.

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ISN # [REDACTED]  
Enclosure (1)  
Page 2 of 3

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The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

**6. Consultations with the CSRT Legal Advisor**

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

**7. Conclusions of the Tribunal**

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was deemed necessary.
- b. The Detainee understood the Tribunal proceedings, but elected not to participate in the Tribunal process, as indicated in Exhibit D-a. The Detainee did submit an oral statement during the interview process and requested that the Personal Representative present his statement to the Tribunal during the unclassified portion of the proceedings.
- c. The Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al-Qaida, and engaged in hostilities against United States or its coalition partners.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,



Colonel, U.S. Marine Corps  
Tribunal President

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ISN #   
Enclosure (1)  
Page 3 of 3

**Summarized Unsworn Detainee Statement**

*The Personal Representative made the following statement on behalf of the Detainee, who was absent during the proceedings.*

*The Personal Representative states that these are comments from the Detainees notes of 15 September 2004 in response to his unclassified summary of evidence and the Detainee asked him to dictate these notes at the Tribunal.*

- **3(a) The detainee is affiliated with al Qaeda.**

Detainee stated he is not a member of al Qaeda or any other terrorist organization and he did not see or know any other members. He also did not hear of al Qaeda until his arrival to Guantanamo Bay.

- **3(a)(1) The detainee voluntarily traveled from Yemen to Quetta, Pakistan where he stayed in a Taliban house in March 2001. The detainee admitted to seeing an assault weapon in the Taliban house during his stay.**

Detainee states that he was deceived to travel to Quetta, Pakistan. He was told that he would be a teacher of the Koran in Afghanistan and make much money. He was told that he had to go to a Taliban house to gain entry to Afghanistan because they were the ruling government. He did not see any weapons while in that house.

- **3(a)(2) The detainee voluntarily traveled from Quetta, Pakistan to Kandahar, Afghanistan in March 2001.**

Detainee stated that he wanted to go back to Yemen, but was not allowed. He then decided that he would travel to Afghanistan and then try other means to get back to Yemen.

- **3(a)(3) The detainee traveled between Khost and Kabul, Afghanistan to teach the Koran from March 2001 to December 2001.**

Detainee stated this is true.

- **3(a)(4) The detainee visited Usama Bin Laden's home in Kandahar, Afghanistan.**

Detainee never knew or has never seen or visited Usama Bin Laden.

- ***3(a)(5) The detainee is associated with two suspects in the USS Cole bombing in Yemen.***

Detainee denies any knowledge of the USS Cole bombing.

- ***3(b) The detainee participated in military operations against the coalition.***

Detainee denies any participation in any military operations.

- ***3(b)(1) The detainee attended advanced training at Tarnak Farm near Kandahar, Afghanistan.***

Detainee never heard of Tarnak Farm and denies receiving any advanced training.

- ***3(b)(2) The detainee fled Afghanistan subsequent to the fall of Kabul. The detainee was caught and detained in the Tora Bora region.***

When the Taliban government fell, he was in Kabul. His friend, who was Afghani, told him to leave because the people in Kabul hate Arabs. He left and went to Khost and then headed to Pakistan. He turned himself in to Pakistan authorities so that they could take him to the Yemeni Embassy. He was not arrested. Pakistan authorities told US forces that he was al-Qaeda. He was turned over to the US forces in Peshawar, Pakistan and US forces took him to Kandahar, AF.

The Detainee asks that the Tribunal make their decision with the truth and that all the information in his unclassified summary are lies and fabricated to hold him. He went to Pakistan and Afghanistan to teach the Koran and he taught the Koran in Yemen before he left for Pakistan. The Detainee states that he is innocent and that the whole world is his witness.

### AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Marine Corps  
President, CSRT

ISN# [REDACTED]  
Enclosure (3)  
Page 2 of 2

DETAINEE ELECTION FORM

Date: 14 Sep 04

Start Time: 1540

End Time: 1640

ISN#: [REDACTED]

Personal Representative: [REDACTED] MAJ, USAF  
(Name/Rank)

Translator Required? YES Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**Detainee Election:**

- Wants to Participate in Tribunal
- Affirmatively Declines to Participate in Tribunal
- Uncooperative or Unresponsive

**Personal Representative Comments:**

Detainee was very difficult to make understand the process.

Detainee wants time to decide to participate. I pressed very hard to get him for an election but he refused and needed time. I request that another follow-up interview be scheduled for tomorrow, 15 Sep 04.

\_\_\_\_\_

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\_\_\_\_\_

Personal Representative: [REDACTED] EXHIBIT Da



**UNCLASSIFIED**

**Recorder Exhibit List  
For  
ISN [REDACTED]**

<b>#</b>	<b>Title</b>	<b>Classification</b>
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information 8 SEP 04	UNCLASSIFIED
R3	FBI 302 18 MAR 02	FOUO//LES
R4	FBI 302 11 NOV 02	FOUO//LES
R5	FBI 302 05 SEP 02	FOUO//LES
R6	FBI 302 25 OCT 02	FOUO//LES
R7	FBI 302 10 JUN 03	FOUO//LES
R8	IIR 6 034 0847 03	SECRET//NOFORN
R9	IIR 6 034 0789 02	SECRET
R10	JTF GTMO Baseball Card	SECRET//NOFORN
R11	IIR 6 034 0046 03	SECRET
R12	JTF-GTMO MFR 27 AUG 04	SECRET//NOFORN

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Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (02 September 04)

Subject: Summary of Evidence for Combatant Status Review Tribunal UTHMAN, Uthman Abdul Rahim Mohammed

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaeda forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that he is affiliated with al Qaeda and participated in military operations against the United States or its coalition partners.
  - a. The detainee is affiliated with al Qaeda:
    1. The detainee voluntarily traveled from Yemen to Quetta, Pakistan where he stayed in a Taliban house in March 2001. The detainee admitted to seeing an assault weapon in the Taliban house during his stay.
    2. The detainee voluntarily traveled from Quetta, Pakistan to Kandahar, Afghanistan in March 2001.
    3. The detainee traveled between Khost and Kabul, Afghanistan to teach the Koran from March 2001 to December 2001.
    4. The detainee visited Usama Bin Laden's home in Kandahar, Afghanistan.
    5. The detainee is associated with two suspects in the USS Cole bombing in Yemen.
  - b. The detainee participated in military operations against the coalition.
    1. The detainee attended advanced training at Tarnak Farm Near Kandahar, Afghanistan.

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2. The detainee fled Afghanistan subsequent to the fall of Kabul. The detainee was caught and detained in the Tora Bora region.

4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

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Memorandum

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To : Department of Defense Date 09/08/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
[REDACTED] 8/18/04

Subject: REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
----- (ISN [REDACTED])

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 03/18/2002  
FD-302 dated 09/05/2002  
FD-302 dated 11/11/2002

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

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Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/08/2004

If you need additional assistance, please contact On  
Scene Commander [REDACTED],  
[REDACTED] or Intelligence Analyst  
[REDACTED]

-2-

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Page 2 of 4

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Memorandum

UNCLASSIFIED



To : Department of Defense Date 09/15/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
[REDACTED] 9/15/04

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
ISN [REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 10/25/2002  
FD-302 dated 06/10/2003

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

UNCLASSIFIED

UNCLASSIFIED

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/15/2004

If you need additional assistance, please contact On  
Scene Commander [REDACTED]  
[REDACTED] or Intelligence Analyst  
[REDACTED]

-2-

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Page 4 of 4

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Detainee Uthman Abdul Rahim Mohammed Uthman dictated the following notes on 15 Sept 2004 in response to his unclassified summary of evidence and has ask me to dictate these notes at the Tribunal.

Para 3a – Detainee stated that he is not a member of Al-Qaeda or any other terrorist organization and he did not see or know any other members. He also did not hear of Al-Qaeda until his arrival to Guantanamo Bay.

Para 3a1 – Detainee states that he was deceived to travel to Quetta, PK. He was told that he would be a teacher of the Quran in Afghanistan and make much money. He was told that he had to go to a Taliban house to gain entry to AF because they were the ruling government. He did not see any weapons while in that house.

Para 3a2 – Detainee stated that he wanted to go back to Yemen but was not allowed. He then decided that he would travel to Afghanistan and then try other means to get back to Yemen.

Para 3a3 - True

Para 3a4 – Detainee never knew or has seen or visited Usama Bin Ladin

Para 3a5 – Detainee denies any knowledge of the USS Cole bombing

Para 3b – Detainee denies any participation in any military operations

Para 3b1 – Detainee never heard of Trnak Farm and denies receiving any advanced training.

Para 3b2 – When the Taliban government fell, he was in Kabul. His friend, who was Afghani, told him to leave because the people in Kabul hate Arabs. He left and went to Khost and then headed to Pakistan. He turned himself in to Pakistan authorities so that they could take him to the Yemeni Embassy. He was not arrested. But Pakistan authorities told US Forces that he was Al-Qaeda. He was turned over to US Forces in Peshawar PK and US Forces took him to Kandahar AF.

The Detainee asks that the Tribunal make their decision with the Truth and that all the information in his unclassified summary are lies and fabricated to hold him. He went to Pakistan and Afghanistan to teach the Quran and he taught the Quran in Yemen before he left for Pakistan. The Detainee states that he is innocent and that the whole world is his witness.

 Major, USAF

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EXHIBIT D-3a

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**Personal Representative Review of the Record of Proceedings**

I acknowledge that on 21 September 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

Major [REDACTED] USAF

21 SEP 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)

UNCLASSIFIED//FOUO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

	)	
MAHMOUD ABD AL AZIZ	)	
ABD AL MUJAHID,	)	
<i>et al.</i>	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 04-CV-1254 (HKK)
	)	
GEORGE W. BUSH,	)	
President of the United States, <i>et al.</i> ,	)	
Respondents.	)	
	)	
	)	
	)	

**DECLARATION OF JAMES R. CRISFIELD JR.**

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General’s Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

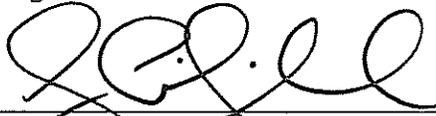
1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Mahmoud Abd Al Aziz Abd Al Mujahid that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not

attached hereto. I have redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12 Oct 04

  
\_\_\_\_\_  
James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0207  
11 October 2004

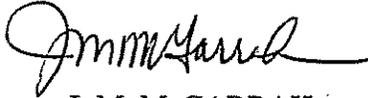
**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

  
J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
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COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

**FOR OFFICIAL USE ONLY**

10 Oct 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

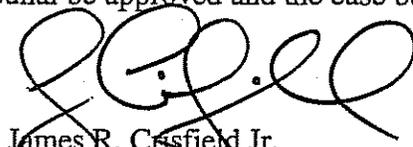
Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

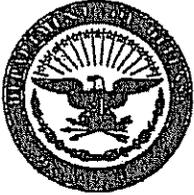
- a. The detainee was properly notified of the Tribunal process and elected to participate. There is some confusion in the record regarding whether the detainee made a sworn or unsworn statement during the Tribunal. The Unclassified Summary of the Basis for the Tribunal Decision, enclosure (1) to the Record of Proceedings, indicates that the detainee made an unsworn statement. The summarized transcript of the detainee's testimony is entitled "Summarized Unsworn Detainee Statement," but later contains a statement that a Muslim oath was administered to the detainee. I listened to the audiotape of the proceedings and confirmed that an oath was administered to the detainee and all of his testimony was made under that oath.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-5, R-8, and R-9 was redacted. The FBI properly certified in exhibits R-2 and R-3 that the redacted information would not support a determination that the detainee is not an enemy combatant. Some information in exhibit D-C was also redacted. There is no certification letter from the FBI that corresponds to this exhibit. Nonetheless, based on the extent and location of the redactions in exhibit D-C we can be confident that none of the redacted information would support a determination that the detainee was not an enemy combatant.
- d. The detainee made no requests for witnesses or other evidence.

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]

- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
  - f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and declined to submit comments to the Tribunal.
2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Crisfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Marine Corps Reserve; President

[REDACTED], Colonel, U.S. Army; Member

[REDACTED], Lieutenant Colonel, JAGC, U.S. Army; Member  
(JAG)

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

6 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

A handwritten signature in black ink, appearing to read "D. L. Taylor".

DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:     #8    

(U) ISN#:     [REDACTED]    

Ref: (a) (U) Convening Order for Tribunal #8 of 13 September 2004 (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 1 October 2004 by references (a) and (b) to make a determination as to whether the detainee meets the criteria to be designated as an enemy combatant, as defined in reference (c).

2. (U) On 1 October 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee # [REDACTED] is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this detainee is a member of, or affiliated with, Al-Qaeda and also supported Taliban forces engaged in hostilities against the United States, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2).

[REDACTED]

Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

(Enclosure (1) to Combatant Status Review Tribunal Decision Report)

TRIBUNAL PANEL: \_\_\_\_\_ #8

ISN #: \_\_\_\_\_

### **1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and is a member of, or affiliated with, al Qaida and was part of or supporting Taliban forces engaged in hostilities against the United States or its coalition partners. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

### **2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee is a member of or supported al Qaida and was seen with Usama Bin Laden in Kandahar, Afghanistan and Tora Bora (November 2001). The Detainee admitted knowing Usama Bin Laden and was a security guard for him. The Detainee supported hostilities in aid of enemy armed forces and was seen on the front lines. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no documents be produced and made an unsworn verbal statement with the assistance of his Personal Representative. The Detainee, in his verbal statement, stated that he does not support al Qaida and that al Qaida is doing things that are not permitted under Muslim law. He denied ever physically seeing Usama Bin Laden except on TV. The Detainee emphasized that he never knew Usama Bin Laden and only when the interrogators kept bothering him with this question he told them that he saw him five times, three on al-Jazeera and twice on Yemeni news. The Detainee further denied knowing Usama Bin Laden and claimed he never worked for him. The Detainee said the allegations against him are not true; he never carried a weapon, never had military training, was never involved in armed conflict and was never on the front lines.

### **3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-c and R-1 through R-15.
- b. Unsworn statement of the Detainee (Exhibit D-b).

UNCLASSIFIED//FOUO

ISN # \_\_\_\_\_  
Enclosure (1)  
Page 1 of 3

#### 4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses

The Detainee requested no witnesses for the hearing or that any additional evidence be produced; therefore, no rulings on these matters were required.

#### 5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1, R-2, and R-3 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibits R-2 and R-3 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. The Tribunal considered the Detainee's unsworn testimony and the Personal Representative's notes of his interviews with the Detainee. A summarized transcript of the Detainee's sworn testimony is attached as CSRT Decision Report Enclosure (3) and the Personal Representative's notes of his interviews with the Detainee are attached as Exhibit D-b. In sum, the Detainee testified that he never physically saw Usama Bin Laden except on TV. The Detainee emphasized that he never knew Usama Bin Laden and only when the interrogators kept bothering him with this question did he tell them that he saw Usama Bin Laden five times, three times on al-Jazeera and twice on Yemeni news. The Detainee further denied knowing Usama Bin Laden and claimed that he never worked for him. The Detainee said the allegations against him are not true, that he never carried a weapon, never had training and was never involved in armed conflict and was never on the front lines.

c. The Tribunal also had for consideration Exhibit D-c, FBI Form 302, dated 02 July 2003 which indicates that another Detainee that had identified ISN# [REDACTED] may have not been telling the truth.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

#### 6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

**7. Conclusions of the Tribunal**

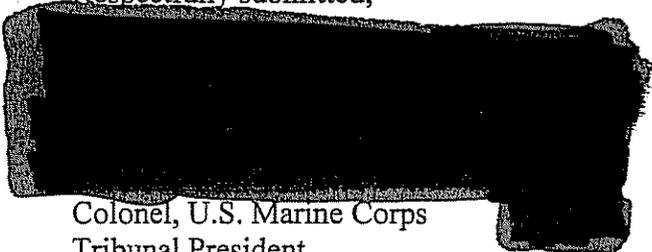
Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

- a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.
- b. The Detainee understood the Tribunal proceedings. He asked no questions regarding his rights and actively participated in the hearing.
- c. The Detainee is properly classified as an enemy combatant and was part of, or supporting, Al Qaeda, which supported Taliban forces engaged in hostilities against the United States and/or its coalition partners.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large, solid black rectangular redaction covers the signature and name of the Tribunal President.

Colonel, U.S. Marine Corps  
Tribunal President

**Summarized Unsworn Detainee Statement**

**Detainee takes Muslim oath.**

**Personal Representative reads statement that the Detainee orally gave him.**

*3a. The Detainee supported al Qaida.*

Personal Representative: I don't support Al Qaida and never have, I never told anyone that I support Al Qaida. Legally Al Qaida is doing things that are not permitted under Muslim law.

*3a1. The Detainee was seen with Usama Bin Laden in Kandahar, Afghanistan (April 2001) and Tora Bora (November 2001).*

Personal Representative: I have never physically seen Usama Bin Laden; the only place I have seen him is on TV.

*3a2. The Detainee admitted to knowing Usama Bin Laden.*

Personal Representative: Again, I never knew Usama Bin Laden. When the interrogators kept bothering me with this question, I told them "I saw him five times, three on Al-Jazeera and twice on Yemeni news." After this they kept after me really hard. I told them "OK, I know him, whatever you want. Just give me a break." When they asked if I would say this to a court or tribunal, I said "yes," but I might change my mind.

*3a3. The Detainee was a security guard for Usama Bin Laden.*

Personal Representative: Same situation as above, but the truth is I never met him and never worked for him. But, as a matter of fact I do not know him.

*3b. The Detainee supported hostilities in aid of enemy armed forces.*

*3b1. The Detainee was seen on the front lines.*

Personal Representative: This is not a true statement. I never carried a weapon, never had training and was never involved in armed conflict. I was never on the front lines.

Tribunal President: Mahmoud Abd Al Aziz Abd Al Weili Mujahid, does this conclude your statement?

Detainee: This is the end of my statement.

**Personal Representative has no further evidence or questions for Detainees. Recorder has no further evidence or questions for Detainees. Tribunal Members begin questioning Detainee.**

Tribunal Member: All the evidence that we have concerning you, consist of the Unclassified Summary which you are aware of and your statement which you just gave to us, so our questions are based on these. At this point in the process, we have seen no other evidence concerning you. You are from Yemen originally?

Detainee: Yes.

Tribunal Member: Were you ever in Afghanistan at all?

Detainee: I went to Afghanistan.

Tribunal Member: Can you tell us the reasons why you went there?

Detainee: I went there to study.

Tribunal Member: Do you remember when you made your journey?

Detainee: Regarding the dates, us Yemenis don't pay much attention to dates, not like the civilized or other countries.

Tribunal Member: Can you describe the circumstances that led to your decision to go to Afghanistan?

Detainee: The places I went, you mean?

Tribunal Member: First the reasons why you decided to go from Yemen to Afghanistan.

Detainee: Just one reason, to study, nothing else.

Tribunal Member: Did you receive help from anyone to make your journey or [did anyone] encourage you to go?

Detainee: I had some monetary assistance.

Tribunal Member: What was it you wanted to study in Afghanistan?

Detainee: The Koran.

Tribunal Member: Were there people in Yemen that urged you or encouraged you to go to Afghanistan to do this?

Detainee: Yes.

Tribunal Member: Who were these people?

Detainee: One of the people who adopted this idea was Sheik Mufil.

Tribunal Member: Is he a sheik of a mosque you attended in Yemen?

Detainee: He was a sheik at an institute in a province in Yemen; Zamar was the name of the province in Yemen.

Tribunal Member: How did you come to know him? Did he seek you out did you seek him out? How did you meet?

Detainee: I went to study at this institute. I was one of the students there. He saw that I wanted to teach and learn so he proposed this idea to me.

Tribunal Member: Could you not study the Koran just as easily in Yemen as in Afghanistan?

Detainee: To teach; I wanted to teach not to learn.

Tribunal Member: What is your education? How much education have you been able to receive?

Detainee: I completed High School.

Tribunal Member: You went to the institute for study, you met up with a sheik who encouraged you to go to Afghanistan to teach other people the Koran.

Detainee: Correct.

Tribunal Member: Could you tell us a little bit about your journey from Yemen to Afghanistan?

Detainee: My point of travel was set up, and we stopped in Dubai for a transit, and then the plane went to Karachi. I stayed 5 days in Karachi. 5 to 7 days approximately. We took a bus to Quetta. We stayed in Quetta for about a day and with a car we left to Kandahar. Kandahar was our destination point.

Tribunal Member: Where did you stay when you were in Kandahar?

Detainee: I didn't stay in the city but in the outskirts of the city.

Tribunal Member: In a house for Arab people?

Detainee: No, in a mosque owned by the Afghans. Every mosque had a room, two rooms, something like that. So I stayed in one of those rooms.

Tribunal Member: For how long, do you remember?

Detainee: Close to 6 months. We went to Kabul for a while and then we came back.

Tribunal Member: What did you do in Kandahar and Kabul while you were there?

Detainee: In Kandahar I started to teach but when I saw that there weren't very many students, I went to Kabul. I saw in Kabul there weren't any students at all, so I returned again to Kandahar.

Tribunal Member: Presumably, there were still not very many students in Kandahar if you went back to the same place you left from.

Detainee: In Kandahar there were students and in Kabul there were no students at all.

Tribunal Member: How were you able to sustain yourself while you were teaching?

Detainee: I had money.

Tribunal Member: That you brought with you from Yemen?

Detainee: Yes.

Tribunal Member: Enough money for 6 months?

Detainee: I think more. \$600 to \$700 dollars.

Tribunal Member: Is this money you had saved from work or is this money that someone paid to you?

Detainee: One of the people traveling with me, one of my friends gathered the money from some merchants.

Tribunal Member: Did you know that he was doing that prior to leaving Yemen?

Detainee: Yes, how else would we travel?

Tribunal Member: Tell us about your decision to leave Afghanistan. When did you make that decision and why?

Detainee: Just travel from Afghanistan to Yemen?

Tribunal Member: First when you left Afghanistan.

Detainee: Traveled to where?

Tribunal Member: When you left Afghanistan, where did you go?

Detainee: Pakistan

Tribunal Member: You were captured in Pakistan?

Detainee: Yes

Tribunal Member: Tell us about that journey from Afghanistan to Pakistan.

Detainee: I stayed in Kandahar until about 5 days before the month of Ramadan. The bombing of Afghanistan was very frequent and [if] they would hear about any Arabs staying on the area, they would bomb them. And the news that me as an Arab [was] staying in this place and teaching, this news was known all over. I became afraid they would bomb a whole village because of one Arab. The Afghan that was with me, we were forced to leave that area to [go to] Kabul. From Kabul we traveled to Khost, all of it as an escape from the bombings. In Khost we stayed there until approximately to the end of the month of Ramadan. Before the end of Ramadan by 8 or 10 days. I left Khost to an area on the border of Pakistan, Kurachini.

Tribunal Member: What did you have with you when you were captured?

Detainee: Just the clothes that were with me?

Tribunal Member: Did you have your passport?

Detainee: No, I did not have it.

Tribunal Member: But you had your passport when you went from Yemen to Afghanistan, correct?

Detainee: Of course.

Tribunal Member: Why didn't you have it when you were leaving Afghanistan?

Detainee: The Afghan guy with me, he asked me for my passport to try to prepare us for travel to Yemen to try to get the passport to my friend who was with me in my travels. He left before Kabul fell. And when Kabul fell he did not return. So I left from Khost to Pakistan without a passport.

Tribunal Member: How did you think you would gain entry into Pakistan without a passport?

Detainee: I was going to the Yemeni Embassy on Pakistan to look for help any way I could to try to get to Yemen. What would I sit and do in Afghanistan without a passport? So I was forced to go back to Afghanistan to get back to Yemen to try to get help from them. Sons of my country they would help me.

Tribunal Member: Doesn't Yemen have an embassy in Afghanistan?

Detainee: In Afghanistan, no it doesn't have an embassy in Afghanistan.

Tribunal Member: Have you ever fired any weapons?

Detainee: No I didn't even train in any weapons. In Yemen its known there are a lot of weapons there but I never trained on any of them. I live in a city not in a village. People who live in a city like peace more than the people who live in a village.

Tribunal Member: So you are not familiar at all with rifles or grenades or anything of that sort?

Detainee: I remember once that someone had a grenade in Yemen so I walked away from him, about a hundred meters almost. My nature is that I'm afraid of weapons and they taught us to be afraid of weapons. So it's something in me now that I'm afraid of weapons.

Tribunal Member: Your story is quite different than the accusations against you.

Detainee: It's not a problem.

Tribunal Member: So you originally denied knowing Usama Bin Laden or being a security guard for him, but later you admitted it?

Detainee: I admitted to it in the interrogations like my Personal Representative said. When they pressured me in the interrogations, "Do you know him, do you know him?" So then I said yes, the words "I know Bin Laden" is proof that I lied to them in my words. Because whoever knows Bin Laden should provide details about the statement, but I didn't provide any details. I told them "I know Bin Laden" but I didn't provide any details. So in the end when they review in the interrogations, I said, "Listen I don't know Bin Laden and I don't know anything about Bin Laden." If you want my signature or

ISN#   
Enclosure (3)  
Page 6 of 9

something that I know Bin Laden, I'll give it to you, just give us rest. And I agree with whatever the court's decision is.

Tribunal Member: We just want to make sure you're telling us the truth today.

Detainee: Good; I am telling you the truth.

Tribunal Member: So you do not know Usama Bin Laden and you did not work for him as a guard?

Detainee: No, I didn't work with him, I never knew him.

Tribunal Member: And you never fought in Afghanistan?

Detainee: No I didn't even hold a weapon.

Tribunal Member: Can you tell us what you did prior to going to the institute in Yemen? What did you do to earn a living?

Detainee: I did not have a job. But I worked several jobs, nothing more than 3 months. Summer jobs, nothing official.

Tribunal Member: How long did you plan to stay in Afghanistan? A long time or a short time?

Detainee: Not more than a year. The date on the ticket wouldn't allow more than a year. It wouldn't exceed one year at all.

Tribunal Member: When you left to go to Pakistan did you travel by yourself? I think you said you went with a friend or did you go with other people?

Detainee: Yes, a friend.

Tribunal Member: Was he a friend from Yemen or was he someone you had met there?

Detainee: He was with me from the institute I had left from.

Tribunal Member: Was it just the two of you then or was it a larger group?

Detainee: Just me and him.

Tribunal Member: Did they arrest both of you?

Detainee: After we go to Kandahar, we separated. He went to a village to teach and I stayed at the village I was in. In that period of time we didn't visit each other, only one time. And I didn't see him after that until I got captured.

Tribunal President: I think I remember you saying earlier that you received financial assistance for your traveling to Afghanistan.

Detainee: Yes

Tribunal President: What was the total amount of money you left Yemen with?

Detainee: Mukhtar, the guy that I was with, he collected the money from merchants as assistance. This is something very normal where we come from, collecting money from merchants. So the money was enough for two tickets. He gave me half the money, \$600 or \$700 dollars, and he took the other half.

Tribunal President: And that would provide enough to cover all your expenses for a year?

Detainee: Afghanistan is a very poor area, [for] someone with just \$100, this person is a rich man. I had \$600 or \$700. Besides, the Afghan man provided lunch for me because he was afraid I would spend all my money, instead of me buying all my meals. I would lose a lot of money if I paid for all my meals so he would feed me and provide meals. If I needed things that required money I would use the money I had. I spent most of the money I had, I had about \$100 leftover for Pakistan. When the Americans took us, they took the money from us.

Tribunal President: When you left Yemen, was this money in U.S. Dollars or Yemeni currency?

Detainee: We changed it at the airport to dollars.

Tribunal President: The time frame of your travel when you departed Yemen, was it after the attacks on America or before?

Detainee: A while before.

Tribunal President: Tell me again why you were not able to leave Afghanistan with your plane ticket and passport.

Detainee: Can you explain the question please?

Tribunal President: Why did you not have your passport and your plane ticket with you when you left Afghanistan to return to Yemen?

Detainee: I gave it to the Afghani man that was with me.

Tribunal President: When did you give it to him?

Detainee: When we traveled to Khost I gave him my things. He said he would give them to my friend that was with me before. They would take care of the arrangements for our travel. He took the things to Kabul. Kabul fell and he did not return.

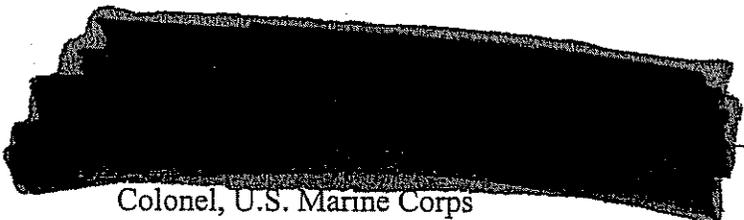
Tribunal President: Do you have any more information to offer to the tribunal today?

Detainee: No.

Tribunal President: All unclassified evidence having been provided to this tribunal, this concludes the open session of the tribunal.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Marine Corps  
Tribunal President

ISN#   
Enclosure (3)  
Page 9 of 9

**DETAINEE ELECTION FORM**

Date: 24 SEP 04

Start Time: 1500

End Time: 1630

ISN#: [REDACTED]

Personal Representative: [REDACTED] LTC, US ARMY  
(Name/Rank)

Translator Required? Y Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**Detainee Election:**

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

**Personal Representative Comments:**

Detainee will participate, he asked the PR to speak for him from written notes. He will likely  
speak for himself also when asked. He indicated that he might write more in his cell. No  
witnesses and no evidence.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Personal Representative: [REDACTED]

UNCLASSIFIED//FOUO

FOUO

Recorder Exhibit List  
For  
ISN [REDACTED]

#	Title	Classification
R1	Unclassified Summary	UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information 17 Sep 04	UNCLASSIFIED
R3	FBI Request for Redaction of National Security Information 27 Sep 04	UNCLASSIFIED
R4	IIR 6 034 0847 03	SECRET//NOFORN
R5	FBI FD-302 dtd 3/17/2003	FOUO//LES
R6	CITF form 40 dtd 11 Dec 03	FOUO//LES
R7	IIR 6 034 0453 02	SECRET// <del>NOFORN</del>
R8	FBI FD-302 dtd 06/11/2003	FOUO//LES
R9	FBI FD-302 dtd 02/19/2003	FOUO//LES
R10	CITF form 40 dtd 20 May 04	SECRET//NOFORN
R11	IIR 6 034 0315 02	SECRET// <del>NOFORN</del>
R12	MFR JTF GTMO dtd 20030414	SECRET// <del>NOFORN</del>
R13	SOLIC Enemy Combatant Review Checklist	SECRET//NOFORN
R14	JTF GTMO Baseball Card	SECRET//NOFORN
R15	JTF Analyst Support Package	SECRET//NOFORN

UNCLASSIFIED

**Combatant Status Review Board**

TO: Personal Representative

FROM: OIC, CSRT (18 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal - Abd Al Mujahid, Mahmoud Abd Al Aziz

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. That determination was made by facts relating to his affiliation with al Qaida, and his support of hostilities in aid of enemy forces.
  - a. The detainee supported al Qaida.
    1. The detainee was seen with Usama Bin Laden in Kandahar, Afghanistan (April 2001) and Tora Bora (November 2001).
    2. The detainee admitted to knowing Usama Bin Laden.
    3. The detainee was a security guard for Usama Bin Laden.
  - b. The detainee supported hostilities in aid of enemy armed forces
    1. The detainee was seen on the front lines.
4. The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

Page 1 of 1

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158  
Exhibit R1

Memorandum



To : Department of Defense Date 09/17/2004  
Office of Administrative Review  
for Detained Enemy Combatants,  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division,  
Office of General Counsel,  
[REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
ISN [REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC, GTMO:

FD-302 dated 02/19/2003  
FD-302 dated 06/11/2003

---

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/17/2004

If you need additional assistance, please contact Assistant  
General Counsel [REDACTED]

[REDACTED] Intelligence Analyst [REDACTED]

Memorandum



To : Department of Defense Date 09/27/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
[REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 03/17/2003

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/27/2004

If you need additional assistance, please contact Asst.  
Gen. Counsel [REDACTED]  
[REDACTED] or, Intelligence Analyst [REDACTED]  
[REDACTED] or  
Intelligence Analyst [REDACTED]

DETAINEE STATEMENT

# [REDACTED]

a. I don't support Al Queda and never have, I never told anyone that I support Al Queda. Legally Al Queda is doing things that are not permitted under Muslim law.

1. I have never physically seen Usama Bin Laden, the only place I have seen him is on TV.

2. Again, I never knew Usama Bin Laden. When the interrogators kept bothering me with this question, I told them I saw him five times, three on Al-Jazera and twice on Yemini news. After this they kept after me really hard. I told them ok, I know him, whatever you want. Just give me a break. When they asked if I would say this to a court or tribunal, I said yes, but I might change my mind.

3. Same situation as above, but the truth is I never met him and never worked for him. But, as a matter of fact I do not know him.

b.

1. This is not a true statement. I never carried a weapon, never had training and was never involved in armed conflict. I was never on the front lines.

### Personal Representative Review of the Record of Proceedings

I acknowledge that on 4 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

I have no comments.

My comments are attached.

[REDACTED] LTC, USA

4 Oct 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FARUQ ALI AHMED, )  
 )  
 *et al.* )  
 )  
 Petitioners, )  
 )  
 v. ) Civil Action No. 04-CV-1254 (HKK)  
 )  
 GEORGE W. BUSH, )  
 President of the United States, *et al.*, )  
 Respondents. )  
 )  
 \_\_\_\_\_ )

**DECLARATION OF JAMES R. CRISFIELD JR.**

Pursuant to 28 U.S.C. § 1746, I, Commander James R. Crisfield Jr., Judge Advocate General's Corps, United States Navy, hereby state that to the best of my knowledge, information and belief, the following is true, accurate and correct:

1. I am the Legal Advisor to the Combatant Status Review Tribunals. In that capacity I am the principal legal advisor to the Director, Combatant Status Review Tribunals, and provide advice to Tribunals on legal, evidentiary, procedural, and other matters. I also review the record of proceedings in each Tribunal for legal sufficiency in accordance with standards prescribed in the Combatant Status Review Tribunal establishment order and implementing directive.

2. I hereby certify that the documents attached hereto constitute a true and accurate copy of the portions of the record of proceedings before the Combatant Status Review Tribunal related to petitioner Faruq Ali Ahmed that are suitable for public release. The portions of the record that are classified or considered law enforcement sensitive are not attached hereto. I have

redacted information that would personally identify certain U.S. Government personnel in order to protect the personal security of those individuals. I have also redacted internee serial numbers because certain combinations of internee serial numbers with other information become classified under applicable classification guidance.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12 Oct 04



James R. Casfield Jr.  
CDR, JAGC, USN



Department of Defense  
Director, Combatant Status Review Tribunals

OARDEC/Ser: 0208  
11 October 2004

**FOR OFFICIAL USE ONLY**

From: Director, Combatant Status Review Tribunal

Subj: **REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL FOR  
DETAINEE ISN # [REDACTED]**

Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Order of 29 July 2004

1. I concur in the decision of the Combatant Status Review Tribunal that Detainee ISN # [REDACTED] meets the criteria for designation as an Enemy Combatant, in accordance with references (a) and (b).
2. This case is now considered final, and the detainee will be scheduled for an Administrative Review Board.

  
J. M. McGARRAH  
RADM, CEC, USN

Distribution:  
NSC (Mr. John Bellinger)  
DoS (Ambassador Prosper)  
DASD-DA  
JCS (J5)  
SOUTHCOM (CoS)  
COMJTFGTMO  
OARDEC (Fwd)  
CITF Ft Belvoir

**FOR OFFICIAL USE ONLY**

10 Oct 04

## MEMORANDUM

From: Legal Advisor

To: Director, Combatant Status Review Tribunal

Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]Ref: (a) Deputy Secretary of Defense Order of 7 July 2004  
(b) Secretary of the Navy Implementation Directive of 29 July 2004Encl: (1) Appointing Order for Tribunal #8 of 13 September 2004  
(2) Record of Tribunal Proceedings

1. Legal sufficiency review has been completed on the subject Combatant Status Review Tribunal in accordance with references (a) and (b). After reviewing the record of the Tribunal, I find that:

- a. The detainee was properly notified of the Tribunal process, elected to participate, and made an unsworn statement during the Tribunal.
- b. The Tribunal was properly convened and constituted by enclosure (1).
- c. The Tribunal complied with the provisions of references (a) and (b). Note that some information in exhibits R-3, R-4, and R-6 was redacted. The FBI properly certified in exhibits R-2 and R-3 that the redacted information would not support a determination that the detainee is not an enemy combatant.
- d. The detainee made no requests for witnesses or other evidence.
- e. The Tribunal's decision that detainee # [REDACTED] is properly classified as an enemy combatant was unanimous.
- f. The detainee's Personal Representative was given the opportunity to review the record of proceedings and submit comments to the Tribunal. In those comments, the Personal Representative expressed his feeling that the Tribunal did not give enough weight to evidence he presented which tended to call into question the Recorder's evidence regarding the date on which the detainee was seen at an airport carrying a rifle. The Tribunal Decision Report makes it clear that the Tribunal considered the evidence presented by the Personal Representative. The Tribunal has discretion to determine how much weight, if any, to give to the evidence. They simply did not give much weight to the evidence concerning the discrepancy over dates.

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Subj: LEGAL SUFFICIENCY REVIEW OF COMBATANT STATUS REVIEW TRIBUNAL  
FOR DETAINEE ISN # [REDACTED]

2. The proceedings and decision of the Tribunal are legally sufficient and no corrective action is required.
3. I recommend that the decision of the Tribunal be approved and the case be considered final.



James R. Cristfield Jr.  
CDR, JAGC, USN

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Department of Defense  
Director, Combatant Status Review Tribunals

13 Sep 04

From: Director, Combatant Status Review Tribunals

Subj: APPOINTMENT OF COMBATANT STATUS REVIEW TRIBUNAL #8

Ref: (a) Convening Authority Appointment Letter of 9 July 2004

By the authority given to me in reference (a), a Combatant Status Review Tribunal established by "Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba" dated 29 July 2004 is hereby convened. It shall hear such cases as shall be brought before it without further action of referral or otherwise.

The following commissioned officers shall serve as members of the Tribunal:

MEMBERS:

[REDACTED], Colonel, U.S. Marine Corps Reserve; President

[REDACTED], Colonel, U.S. Army; Member

[REDACTED], Lieutenant Colonel, JAGC, U.S. Army; Member  
(JAG)

J. M. McGARRAH  
Rear Admiral  
Civil Engineer Corps  
United States Naval Reserve



HEADQUARTERS, OARDEC FORWARD  
GUANTANAMO BAY, CUBA  
APO AE 09360

6 October 2004

MEMORANDUM FOR DIRECTOR, CSRT

FROM: OARDEC FORWARD Commander

SUBJECT: CSRT Record of Proceedings ICO ISN# [REDACTED]

1. Pursuant to Enclosure (1), paragraph (I)(5) of the *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba* dated 29 July 2004, I am forwarding the Combatant Status Review Tribunal Decision Report for the above mentioned ISN for review and action.

2. If there are any questions regarding this package, point of contact on this matter is the undersigned at DSN 660-3088.

  
DAVID L. TAYLOR  
Colonel, USAF

(U) Combatant Status Review Tribunal Decision Report Cover Sheet

(U) This Document is UNCLASSIFIED Upon Removal of Enclosures (2) and (4).

(U) TRIBUNAL PANEL:   #8  

(U) ISN#:           

Ref: (a) (U) Convening Order for Tribunal #8 of 13 September 2004] (U)  
(b) (U) CSRT Implementation Directive of 29 July 2004 (U)  
(c) (U) DEPSECDEF Memo of 7 July 2004 (U)

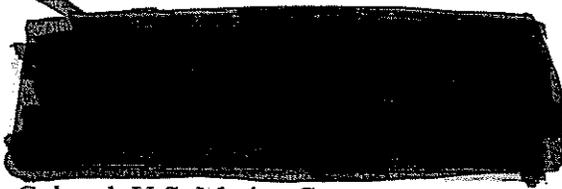
Encl: (1) (U) Unclassified Summary of Basis For Tribunal Decision (U)  
(2) (U) Classified Summary of Basis for Tribunal Decision (S/NF)  
(3) (U) Summary of Detainee/Witness Testimony (U/FOUO)  
(4) (U) Copies of Documentary Evidence Presented (S/NF)  
(5) (U) Personal Representative's Record Review (U)

1. (U) This Tribunal was convened on 27 September 2004 by references (a) and (b) to make a determination as to whether the Detainee meets the criteria to be designated as an enemy combatant as defined in reference (c).

2. (U) On 27 September 2004 the Tribunal determined, by a preponderance of the evidence, that Detainee #  is properly designated as an enemy combatant, as defined in reference (c).

3. (U) In particular, the Tribunal finds that this Detainee supported both al Qaida and Taliban forces engaged in hostilities against the United States or its coalition partners, as more fully discussed in the enclosures.

4. (U) Enclosure (1) provides an unclassified account of the basis for the Tribunal's decision. A detailed account of the evidence considered by the Tribunal and its findings of fact are contained in enclosures (1) and (2)



Colonel, U.S. Marine Corps  
Tribunal President

**UNCLASSIFIED SUMMARY OF BASIS FOR TRIBUNAL  
DECISION**

**(Enclosure (1) to Combatant Status Review Tribunal Decision Report)**

TRIBUNAL PANEL: \_\_\_\_\_ #8 \_\_\_\_\_

ISN #: \_\_\_\_\_

**1. Introduction**

As the Combatant Status Review Tribunal (CSRT) Decision Report indicates, the Tribunal has determined that this Detainee is properly classified as an enemy combatant and was part of, or supporting, both al Qaida and the Taliban. In reaching its conclusions, the Tribunal considered both classified and unclassified information. The following is an account of the unclassified evidence considered by the Tribunal and other pertinent information. Classified evidence considered by the Tribunal is discussed in Enclosure (2) to the CSRT Decision Report.

**2. Synopsis of Proceedings**

The unclassified evidence presented to the Tribunal by the Recorder indicated that the Detainee traveled from his home in Yemen to Afghanistan in March 2001. The Detainee admits to giving his passport to a known member of the Taliban and admitted to lodging in Kabul at an official Taliban residence. The Detainee was observed carrying an AK-47 assault rifle and wearing a uniform at Usama Bin Laden's private airport and was captured as part of an organized group of 30 mujahadeen after the fall of Tora Bora. The Detainee chose to participate in the Tribunal process. He called no witnesses, requested no unclassified or classified documents be produced, and made an unsworn verbal statement. The Detainee, in his verbal statement, denied being a member of either al Qaida or the Taliban. The Tribunal President's evidentiary and witness rulings are explained below.

**3. Evidence Considered by the Tribunal**

The Tribunal considered the following evidence in reaching its conclusions:

- a. Exhibits: D-a through D-h and R-1 through R-12.
- b. Testimony of the following persons: Sworn statement of the Detainee

**4. Rulings by the Tribunal on Detainee Requests for Evidence or Witnesses**

The Detainee requested no witnesses or any evidence be produced; therefore, no additional rulings on these matters were required.

## 5. Discussion of Unclassified Evidence

The Tribunal considered the following unclassified evidence in making its determinations:

a. The Recorder offered Exhibits R-1 and R-2 into evidence during the unclassified portion of the proceeding. Exhibit R-1 is the Unclassified Summary of Evidence. While this summary is helpful in that it provides a broad outline of what the Tribunal can expect to see, it is not persuasive in that it provides conclusory statements without supporting unclassified evidence. Exhibit R-2 provided no usable evidence. Accordingly, the Tribunal had to look to classified exhibits for support of the Unclassified Summary of Evidence.

b. Essentially the only unclassified evidence the Tribunal had to consider was the Detainee's unsworn testimony (and the Personal Representative's notes of his interviews with the Detainee). A summarized transcript of the Detainee's unsworn testimony is attached as CSRT Decision Report Enclosure (3), and the Personal Representative's notes of his interviews with the Detainee are attached as Exhibit D-b. In sum, the Detainee testified that he was not a member of al Qaida or the Taliban, but was instead a teacher of the Koran. The Detainee stated that he traveled from Yemen to teach the Koran to Afghan children because he had memorized the Koran. The Detainee was apprehended trying to enter Pakistan. The Pakistani officer in charge told the Detainee that he would take him to the Yemen Embassy but instead took him to jail.

The Tribunal also relied on certain classified evidence in reaching its decision. A discussion of the classified evidence is found in Enclosure (2) to the Combatant Status Review Tribunal Decision Report.

## 6. Consultations with the CSRT Legal Advisor

No issues arose during the course of this hearing that required consultation with the CSRT legal advisor.

## 7. Conclusions of the Tribunal

Upon careful review of all the evidence presented in this matter, the Tribunal makes the following determinations:

a. The Detainee was mentally and physically capable of participating in the proceeding. No medical or mental health evaluation was requested or deemed necessary.

c. The Detainee is properly classified as an enemy combatant and was part of, or supporting, both al Qaida and the Taliban.

**8. Dissenting Tribunal Member's report**

None. The Tribunal reached a unanimous decision.

Respectfully submitted,

A large black rectangular redaction box covering the signature of the Tribunal President.

Colonel, U.S. Marine Corps  
Tribunal President

**Summarized Unsworn Detainee Statement**

**Personal Representative read the Detainee's response to the Unclassified Summary to the Tribunal.**

*3a. The Detainee associated with known members of the Taliban.*

Personal Representative: This is false; when I came to Afghanistan, I was not concerned with the Taliban. My only concern was to teach the kids.

*3a1. The Detainee traveled from his home in Yemen to Afghanistan via Pakistan in March 2001.*

Personal Representative: Essentially this is true; it was the beginning of the spring in 2001.

*3a2. The Detainee admitted to giving his passport to a person known by him to be a member of the Taliban.*

Personal Representative: Yes, I did, I had doubts about whether he was or was not Taliban. But I did give it to him for safekeeping. The way he was talking about things, like documents being stolen in Afghanistan, it made me concerned and he looked trustworthy. He initiated the conversation, but did not ask for the passport; I offered it to him for safekeeping.

*3a3. The Detainee admitted to lodging at an official Taliban residence in Kabul, with a Taliban representative he met in Quetta, Pakistan.*

Personal Representative: I met Abdul Malik in Quetta, he is the one who took me from Pakistan to Afghanistan. I paid him money to go to Afghanistan because he had a car. We had no problems at the border. They just looked into the car and said to go, they did not check for passports. We crossed the border to Kandahar and stayed at a house that I assumed was his. The next day we went to Kabul, where Malik said between you and me, it's goodbye. He did take me to a house and introduced me to Abderrahman, and told me, "He is a good man that will take care of you." He would take care of me because a good Muslim will take care of a brother in need. This is how I came to this house. He assigned me to a little room in the house. I saw a man in the house and he had a weapon, others outside had weapons also. I assumed they were Taliban. I did not have a weapon and I was not allowed to go into any of the other rooms. I did not participate in any activities with the other men.

ISN# [REDACTED]  
Enclosure (3)  
Page 1 of 5

*3b. The Detainee was a member of al-Qaida.*

Personal Representative: No, this is not correct at all. I don't belong to any organizations; I like to do my own thing.

*3b1. The Detainee was observed carrying an AK-47 and wearing fatigues at UBL's private airport in Kandahar, Afghanistan.*

Personal Representative: All false. I never went to an airport in Afghanistan, and I never wore a uniform of any kind. I never saw any Taliban in a uniform. I did assume that anyone who wore the headscarf and carried a weapon was a Taliban.

*3b2. The Detainee was captured by Pakistani Forces as part of an organized group of 30 Mujahadeen after the fall of Tora Bora.*

Personal Representative: I was captured by myself and later they brought in a lot of other people. This is how I ended up in a large group.

**Personal Representative and Recorder had no questions for the Detainee. Tribunal Members questioned the Detainee.**

Tribunal Member: Is it true that you began your journey from your home in Yemen?

Detainee: Yes.

Tribunal Member: What was the reason you chose to go to Afghanistan?

Detainee: I met a man whose name was Muhammed Abduhma. He told me about this thing. And I accepted it. Is that what you wanted?

Tribunal Member: What was it that he told you about?

Detainee: He told me about Afghanistan. And going and teaching the kids Koran and teach reading, he will be rewarded for it by God.

Tribunal Member: How did you finance your travel from Yemen to Afghanistan?

Detainee: This man is the one who financed my trip. He gave me the plane ticket and everything.

Tribunal Member: How long were you planning to stay in Afghanistan?

Detainee: Just one year and go back.

Tribunal Member: While you were in Afghanistan, what military training did you receive?

Detainee: I didn't train.

Tribunal Member: Did you carry a Kalashnikov rifle for protection?

Detainee: No, I did not.

Tribunal Member: Isn't it true that most people in Afghanistan carry Kalishnokov rifles?

Detainee: I didn't see everybody carrying, some people not everybody.

Tribunal Member: What about the people you were with?

Detainee: You mean whom?

Tribunal Member: Whomever you associated with in Afghanistan.

Detainee: I didn't have too much contact with people.

Tribunal Member: So you taught the Koran to children for a year while you were in Afghanistan?

Detainee: I didn't stay for a year, I stayed less than a year. But yes I was teaching the kids.

Tribunal Member: Where was it that you did that?

Detainee: In Kabul and after that in Khost.

Tribunal Member: How was it that you organized your teaching of the Koran?

Detainee: Its simple, you get 4 or 5 students, I read to them and try to make them focus and they repeat after me. And they repeat as many times as needed for the student in front of me to understand. That was my method with them

Tribunal Member: So from March to November or December, this is what you did?

Detainee: Yes.

Tribunal Member: Please explain the circumstances of your capture.

Detainee: A gentlemen named Ahmed took me to Khost. He introduced me to a man whose name is Obaidullah. And I stayed there at the mosque of Khost for a few days. I

stayed my period there for three or four months in the mosque there. Ahmed left and Obaidullah came and told me, "If you stay here, the Afghani people may kill you." So I asked him what is the solution and he said the only way is to leave Afghanistan. So I asked him where is Abdul Ahmed because my passport was with him? He said he didn't know where he is but it is better for me to leave now. And he said to go to the Yemen embassy in Pakistan and the Yemen embassy will take me back to Yemen. We went to the border and he told me when we got there, you get off here and go across first and we will meet you on the other side. Abdul Ahmed didn't show up, the guy with my passport. They kept going and they found some military. One of the soldiers pointed a weapon toward me. The officer in charge was mad at him. So the Pakistani officer took me and said don't be mad at him, we are Muslim, we will take care of you. He asked me about my parents. He said you are a kid, you are going to go to the Yemen embassy and you shouldn't have any problems getting back to Yemen. After that they took me to jail and there were lots of people. They put handcuffs on our hands. First we walked about 2 miles with no handcuffs but when we got to the jail and they put us inside they put handcuffs on me. That's all what happened and then they took us to another prison. The second prison we went to had a lot of Pakistani in there. It was just like [a] normal prison, with people, guards and for all other crimes. There were some criminals and some nice people also. After that they delivered me that night.

Tribunal Member: Did you have any money or weapons with you at the time you were captured?

Detainee: No, I didn't have any money, I had very, very little money.

Tribunal Member: Did you have any weapons?

Detainee: No, I didn't have any weapons.

Tribunal Member: You said you were captured by yourself or were you with a group of people?

Detainee: No I was by myself and then they brought other people.

Tribunal Member: How long have you been here at Guantanamo?

Detainee: My number is [REDACTED] and I have been here 2 years and I think a month.

Tribunal Member: How old are you now?

Detainee: I really don't know exactly, I think I am 20 or 21. We don't document the date exactly. I think I was born 12-12-83.

Tribunal Member: The children you were teaching the Koran to, did they speak your same language or did you have to have help?

Detainee: Yes, it was difficult. I had some problems but as you know, Koran has to be taught in Arabic. Because you find people who do not speak Arabic but they memorize the Koran by heart.

Tribunal President: Faruq Ali Ahmed, do you have any more information to present to this tribunal?

Detainee: Statements, like what?

Tribunal President: Any other statements you would like to make before this tribunal?

Detainee: I didn't understand.

Tribunal President: Is there anything else you would like this tribunal to know?

Detainee: I don't have anything.

**The Tribunal has no more questions. Personal Representative has a question.**

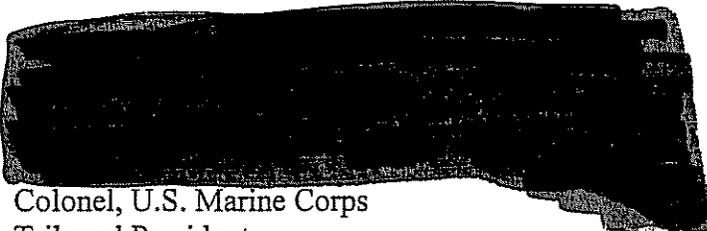
Personal Representative: When you studied school in Yemen, what was it you studied and what level did you go to?

Detainee: I reached high school. I studied Shariat. I knew the Koran by heart. But I studied and I didn't have a chance to study [more].

Tribunal President: With all unclassified evidence having been presented to this tribunal, this concludes this tribunal session.

**AUTHENTICATION**

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.



Colonel, U.S. Marine Corps  
Tribunal President

**DETAINEE ELECTION FORM**

Date: 23 Sept 04

Start Time: 1813

End Time: 1935

ISN#: [REDACTED]

Personal Representative: [REDACTED] LTC, US ARMY  
(Name/Rank)

Translator Required? Y Language? ARABIC

CSRT Procedure Read to Detainee or Written Copy Read by Detainee? YES

**Detainee Election:**

- Wants to Participate in Tribunal**
- Affirmatively Declines to Participate in Tribunal**
- Uncooperative or Unresponsive**

**Personal Representative Comments:**

Detainee will participate, providing a written statement addressing the allegations. Statement will be read by the PR. Detainee will respond to questions from the tribunal and likely will add orally to the prepared statement. Discussed need for follow up with detainee and both agreed one was not necessary.

\_\_\_\_\_  
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Personal Representative: [REDACTED]

UNCLASSIFIED//FOUO

**Recorder Exhibit List  
For  
ISN US9YM-000032DP**

#	Title	Support	Classification
R1	Unclassified Summary		UNCLASSIFIED
R2	FBI Request for Redaction of National Security Information	<b>Exhibits R3/R4/R6</b>	UNCLASSIFIED
R3	FBI 302 26MAR02	<b>3.a.1. 3.a.3.</b>	FOUO//LES
R4	FBI 302 06MAY03	<b>3.a.2.</b>	FOUO//LES
R5	IIR 6 034 0299 02	<b>3.a.3.</b>	<del>SECRET//NOFORN</del>
R6	FBI 302 06/05/2003	<b>3.b.1.</b>	<del>SECRET//NOFORN</del>
R7	MFR 14APR03	<b>3.b.2.</b>	<del>SECRET//NOFORN</del>
R8	JTF GTMO Baseball Card	<b>FYI</b>	SECRET//NOFORN
R9	JTF GTMO CG Memo 13 Mar 04	<b>Summary</b>	SECRET
R10	CITF CDR Memo 2 Apr 04	<b>Summary</b>	SECRET//NOFORN
R11	Baseball Card Associate (ISN [REDACTED])	<b>FYI</b>	SECRET//NOFORN
R12	IIR 6 034 0043 04	<b>Association</b>	SECRET//NOFORN

FOUO//LES

UNCLASSIFIED

Combatant Status Review Board

TO: Personal Representative

FROM: OIC, CSRT (8 September 2004)

Subject: Summary of Evidence for Combatant Status Review Tribunal – AHMED, Faruq Ali

1. Under the provisions of the Secretary of the Navy Memorandum, dated 29 July 2004, *Implementation of Combatant Status Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base Cuba*, a Tribunal has been appointed to review the detainee's designation as an enemy combatant.
2. An enemy combatant has been defined as "an individual who was part of or supporting the Taliban or al Qaida forces, or associated forces that are engaged in hostilities against the United States or its coalition partners. This includes any person who committed a belligerent act or has directly supported hostilities in aid of enemy armed forces."
3. The United States Government has previously determined that the detainee is an enemy combatant. This determination is based on information possessed by the United States that indicates that the Detainee is associated with Taliban and a member of al-Qaida.
  - a. The detainee associated with known members of the Taliban.
    1. The Detainee traveled from his home in Yemen to Afghanistan via Pakistan in March 2001.
    2. The Detainee admitted to giving his passport to a person known by him to be a member of the Taliban
    3. The Detainee admitted to lodging at an official Taliban residence in Kabul, with a Taliban representative he met in Quetta Pakistan
  - b. The detainee was a member of al-Qaida.
    1. The Detainee was observed carrying an AK-47 and wearing fatigues at UBL's private airport in Kandahar, Afghanistan.
    2. The Detainee was captured by Pakistani Forces as part of an organized group of 30 Mujhedeem after the fall of Tora Bora.
4. (U) The detainee has the opportunity to contest his designation as an enemy combatant. The Tribunal will endeavor to arrange for the presence of any reasonably available witnesses or evidence that the detainee desires to call or introduce to prove that he is not an enemy combatant. The Tribunal President will determine the reasonable availability of evidence or witnesses.

UNCLASSIFIED

Exhibit R183

Memorandum



To : Department of Defense Date 09/09/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
OSC [REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 03/26/2002

FD-302 dated 05/06/2003

FD-302 DATED 6/5/2003 [Handwritten signature]

<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/09/2004

If you need additional assistance, please contact On  
Scene Commander [REDACTED]  
[REDACTED] or Intelligence Analyst  
[REDACTED]

Memorandum



To : Department of Defense Date 09/20/2004  
Office of Administrative Review  
for Detained Enemy Combatants  
Col. David Taylor, OIC, CSRT

From : FBI GTMO  
Counterterrorism Division  
[REDACTED]

Subject REQUEST FOR REDACTION OF  
NATIONAL SECURITY INFORMATION  
[REDACTED]

Pursuant to the Secretary of the Navy Order of 29 July 2004, Implementation of Combatant Review Tribunal Procedures for Enemy Combatants Detained at Guantanamo Bay Naval Base, Cuba, Section D, paragraph 2, the FBI requests redaction of the information herein marked<sup>1</sup>. The FBI makes this request on the basis that said information relates to the national security of the United States<sup>2</sup>. Inappropriate dissemination of said information could damage the national security of the United States and compromise ongoing FBI investigations.

CERTIFICATION THAT REDACTED INFORMATION DOES NOT SUPPORT A DETERMINATION THAT THE DETAINEE IS NOT AN ENEMY COMBATANT

The FBI certifies the aforementioned redaction contains no information that would support a determination that the detainee is not an enemy combatant.

The following documents relative to ISN [REDACTED] have been redacted by the FBI and provided to the OARDEC:

FD-302 dated 06/05/2003

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<sup>1</sup>Redactions are blackened out on the OARDEC provided FBI document.

<sup>2</sup>See Executive Order 12958

Memorandum from [REDACTED] to Col. David Taylor  
Re: REQUEST FOR REDACTION, 09/20/2004

If you need additional assistance, please contact

[REDACTED]  
[REDACTED] Intelligence Analyst [REDACTED]

[REDACTED]  
[REDACTED] Intelligence Analyst [REDACTED]  
[REDACTED]

RESPONSE TO ALLEGATIONS  
DETAINEE [REDACTED]

3. a. This is false, when I came to Afghanistan; I was not concerned with the Taliban. My only concern was to teach the kids.

1. Essentially this is true; it was the beginning of the spring in 2001.

2. Yes, I did, I had doubts about whether he was or was not Taliban. But I did give it to him for safekeeping. The way he was talking about things, like documents being stolen in Afghanistan, it made me concerned and he looked trustworthy. He initiated the conversation, but did not ask for the passport, I offered it to him for safekeeping.

3. I met Abdul Malik in Quetta, he is the one who took me from Pakistan to Afghanistan. I paid him money to go to Afghanistan because he had a car. We had no problems at the border. They just looked into the car and said to go, they did not check for passports. We crossed the border to Kandahar and stayed at a house that I assumed was his. The next day we went to Kabul, where Malik said between you and me, its goodbye. He did take me to a house and introduce me to Abderrahman, and told me "he is a good man that will take care of you". He would take care of me because a good Muslim will take care of a brother in need. This is how I came to this house. He assigned me to a little room in the house. I saw a man in the house and he had a weapon, others outside had weapons also. I assumed they were Taliban. I did not have a weapon and I was not allowed to go into any of the other rooms. I did not participate in any activities with the other men.

b. No, this is not correct at all. I don't belong to any organizations; I like to do my own thing.

1. All false, I never went to an airport in Afghanistan, and I never wore a uniform of any kind. I never saw any Taliban in a uniform. I did assume that anyone who wore the headscarf and carried a weapon was a Taliban.

2. I was captured by myself and later they brought in a lot of other people. This is how I ended up in a large group.

**Personal Representative Review of the Record of Proceedings**

I acknowledge that on 3 October 2004 I was provided the opportunity to review the record of proceedings for the Combatant Status Review Tribunal involving ISN # [REDACTED]

    I have no comments.

  ✓   My comments are attached.

[REDACTED]  
LTC, USA

3 OCT 04  
Date

[REDACTED]  
Signature

ISN # [REDACTED]  
Enclosure (5)

Personal Representative Comments regarding the Record of Proceedings, ISN [REDACTED]

I do not believe the Tribunal gave full weight to the exhibits regarding ISN [REDACTED]'s truthfulness regarding the time frames in which he saw various other ISNs in Afghanistan. It is unfortunate that the 302 in question was so heavily redacted that the Tribunal could not see that while ISN [REDACTED] may have been a couple months off in his recollection of ISN [REDACTED]'s appearance with an AK 47, that he was six months to a year off in his recollections of other Yemeni detainees he identified. I do feel with some certainty that ISN [REDACTED] has lied about other detainees to receive preferable treatment and to cause them problems while in custody.

Had the Tribunal taken this evidence out as unreliable, then the position we have taken is that a teacher of the Koran (to the Taliban's children) is an enemy combatant (partially because he slept under a Taliban roof).



LTC, CM  
United States Army